

1 JOSEPH P. RUSSONIELLO (CNB 44332)
United States Attorney

2 BRIAN J. STRETCH(CABN 163973)
3 Chief, Criminal Division

4 OWEN P. MARTIKAN (CSBN 177104)
5 Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-7241
FAX: (415) 436- 7234
owen.martikan@usdoj.gov

8 Attorneys for Plaintiff

9
10 THE UNITED STATES DISTRICT COURT
11 THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 08-0238 MHP
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED]
16 JASON HOANG, YANG CAO, and YANG) ORDER EXCLUDING TIME FROM JULY
17 HUA MEI,) 7, 2008 THROUGH SEPTEMBER 8, 2008
18 Defendants.)
19
20

21 On July 7, 2008, the parties in this case appeared before the Court for a status conference.

22 The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial
23 Act calculations from July 7, 2008, through September 8, 2008, for effective preparation of
24 defense counsel. The parties represented that granting the continuance was the reasonable time
25 necessary for effective preparation of defense counsel, taking into account the exercise of due
26 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice
27 served by granting such a continuance outweighed the best interests of the public

28 //

1 and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 JOSEPH P. RUSSONIELLO
4 United States Attorney

5 DATED: August 5, 2008

6 _____
7 /s/ Owen Martikan
8 OWEN P. MARTIKAN
9 Assistant United States Attorney

10 DATED: July 31, 2008

11 BARRY J. PORTMAN

12 _____
13 /s/
14 RONALD C. TYLER
15 Attorney for Jason Hoang

16 DATED: August 4, 2008

17 _____
18 /s/
19 ALAN A. DRESSLER
20 Attorney for Yang Hua Mei

21 DATED: August 1, 2008

22 _____
23 /s/
24 DAVID J. COHEN
25 Attorney for Yang Cao

26 As the Court found on July 7, 2008, and for the reasons stated above, an exclusion of time
27 from July 7, 2008, through September 8, 2008, is warranted because the ends of justice served by
28 the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See*
18 U.S.C. § 3161(h)(8)(A). The failure to grant the requested continuance would deny defense
counsel the reasonable time necessary for effective preparation, taking into account the exercise
of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

HON. MARILYN HALL PATEL
United States District Judge